

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-2187

WILLIE JAMES HUSSEY; CASSIE M. CANTEY,

Plaintiffs - Appellants,

versus

TED SAULS, Sheriff, Individually and in his official capacity; GREENE COUNTY SHERIFF'S DEPARTMENT; GREENE COUNTY; JOYCE J. HARRELL, Clerk, in her official and individual capacity; THE CIT GROUP/SALES FINANCE, INCORPORATED; WILLIAM D. HARAZIN, Attorney, in his official capacity and individual capacity; JOHN DOES 1-25, et al.; JANE DOES 1-25, et al.; W. E. SMITH, a/k/a Billy Smith, Sheriff, in his official and individual capacity; LENOIR COUNTY SHERIFF DEPARTMENT; LENOIR COUNTY; CLAUDE DAVIS, Clerk of Superior Court, in his official and individual capacity; D. B. HERRING, Judge, in his official and individual capacity; GENERAL MOTORS ACCEPTANCE CORPORATION; STATESVILLE AUTO AUCTION; DAVID P. NANNEY, JR., Attorney, in his official and individual capacity; ASSOCIATES FINANCIAL SERVICES, INCORPORATED; ELIZABETH H. FAIRMAN, Attorney, in her official and individual capacity; JAMES E. RAGEN, III, Judge, in his official and individual capacity; JOHN FIETZ, Attorney, in his official and individual capacity; DAL F. WOOTEN, Attorney, in his official and individual capacity; JAMES P. STALLINGS, Deputy, in his official and individual capacity; HORACE DAWSON, Deputy Sheriff, in his official and individual capacity; WAYNE DAWSON, Deputy Sheriff, in his individual and official capacities; J. G. HOBBS, Deputy Sheriff, in his individual and official capacities; BOB SHEPPARD, Deputy Sheriff, in his official and individual capacities; JOEY BRILEY, Deputy Sheriff, in

his official and individual capacities; J. E. MEADOWS, Deputy Sheriff, in his official and individual capacities; A. G. SMITH, Deputy Sheriff, in his official and individual capacities; JOHN P. GARDNER, Deputy Sheriff, in his official and individual capacities; JOHN E. BEST, Deputy Sheriff, in his official and individual capacities; JACKSON MOVING AND STORAGE COMPANY; LARRY BEST, in his official and individual capacities; UNNAMED EMPLOYEE, #1 of Jackson Moving and Storage Company; UNNAMED EMPLOYEE, #2 of Jackson Moving and Storage Company; UNNAMED EMPLOYEE, #3 of Jackson Moving and Storage Company; UNNAMED EMPLOYEE, #4 of Jackson Moving and Storage Company; WILLIAM F. SIMPSON, Jr., in his official and individual capacity; STUART L. ROUSE, Beneficiary, in his official and individual capacity; ANNIE L. ROUSE, in her official and individual capacity; GREG H. HARRISON, Lieutenant, in his official and individual capacity,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. Malcolm J. Howard, District Judge. (CA-96-2-4-18-H, CA-96-3-4-18-H, CA-96-18-4-18-H, CA-96-64-4-18-H, CA-96-80-4-18-H)

Submitted: April 17, 1997

Decided: April 24, 1997

Before NIEMEYER and WILLIAMS, Circuit Judges, and BUTZNER,* Senior Circuit Judge.

* Senior Judge Butzner did not participate in consideration of this case. The opinion is filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d) (1994).

Affirmed by unpublished per curiam opinion.

Willie James Hussey, Cassie M. Cante, Appellants Pro Se. C. Christopher Olson, Robert Harrison Sasser, III, WOMBLE, CARLYLE, SANDRIDGE & RICE, Raleigh, North Carolina; Virginia Anne Gibbons, Assistant Attorney General, William Dale Talbert, Assistant Attorney General, Jacob Leonard Safron, Special Deputy Attorney General, Raleigh, North Carolina; William Dennis Harazin, Raleigh, North Carolina; Cecil Webster Harrison, Jr., POYNER & SPRUILL, Raleigh, North Carolina; David Warren Boone, BURNS, DAY & PRESNELL, P.A., Raleigh, North Carolina; Stephen Blayne Brown, RAGSDALE, KIRSCHBAUM & NANNEY, Raleigh, North Carolina; Lester Neal Ellis, Jr., Felix Hill Allen, IV, HUNTON & WILLIAMS, Raleigh, North Carolina; John Samuel Williford, Jr., FIELDS & COOPER, Rocky Mount, North Carolina; Dal Floyd Wooten, III, Kinston, North Carolina; Robert E. Fuller, Jr., FULLER, ALBERT & CORBETT, Goldsboro, North Carolina; William Frederick Simpson, Jr., HARRISON & SIMPSON, Kinston, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellants appeal from the district court's dismissal of their civil rights action for failure to state a claim under Fed. R. Civ. P. 12(b)(6). We affirm.

Appellants challenge, via 42 U.S.C. §§ 1983, 1985, 1986 (1994), the validity of state court repossession proceedings. Lower federal courts lack jurisdiction to review such challenges even where it is alleged that the state court's action was unconstitutional. District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983). Further, all of the named Defendants appear either to be immune from suit under federal civil rights statutes or are not state actors. Accordingly, we affirm the district court's dismissal.* We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

* We also deny all of Appellants' pending motions.